

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUH'JUAN WASHINGTON,

Petitioner

v.

CALVIN JOHNSON,

Respondent

Case No.: 2:23-cv-02002-RFB-NJK

Order Granting Application to Proceed In Forma Pauperis, Directing Service of the Petition, and Granting Motion for Appointment of Counsel

Juh'Juan Washington submitted a pro se 28 U.S.C. § 2254 habeas corpus petition. (ECF No. 1-1.) His application to proceed in forma pauperis is granted. ECF No. 7. The court has conducted a preliminary review of the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and directs that it be served on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. See 28 U.S.C. §2244(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

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1 Washington has also submitted a motion for appointment of counsel. ECF No. 3. There is
2 no constitutional right to appointed counsel in a federal habeas corpus proceeding. Luna v. Kernan,
3 784 F.3d 640, 642 (9th Cir. 2015) (citing Lawrence v. Florida, 549 U.S. 327, 336–37 (2007)). An
4 indigent petitioner may request appointed counsel to pursue habeas relief. 18 U.S.C.
5 § 3006A(a)(2)(B). The decision to appoint counsel is generally discretionary. Id. § 3006A(a)(2)
6 (authorizing appointment of counsel “when the interests of justice so require”). However,
7 counsel is appropriate if the complexities of the case are such that denial of counsel would amount
8 to a denial of due process, and where the petitioner is so uneducated that he is incapable of fairly
9 presenting his claims. LaMere v. Risley, 827 F.2d 622, 626 (9th Cir. 1987); Brown v. United
10 States, 623 F.2d 54, 61 (9th Cir. 1980). Here, Washington sets forth a claim that his counsel
11 rendered ineffective assistance related to his guilty plea for second-degree kidnapping, robbery
12 with use of a deadly weapon, attempted sexual assault, and open or gross lewdness. Washington
13 is serving a lengthy sentence. He also states that he has a long and extensive history of mental
14 illness. In order to ensure due process, the court grants the motion.

15 **IT IS THEREFORE ORDERED** that petitioner’s application to proceed in forma
16 pauperis (ECF No. 7) is **GRANTED**.

17 **IT IS FURTHER ORDERED** that the Clerk of Court detach, file, and electronically serve
18 the petition (ECF No. 1-1) on respondents.

19 **IT IS FURTHER ORDERED** that the Clerk add Aaron D. Ford, Nevada Attorney
20 General, as counsel for respondents and provide respondents an electronic copy of all items
21 previously filed in this case by regenerating the Notice of Electronic Filing to the office of the AG
22 only.

1 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF
2 No. 3) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of Nevada
4 (FPD) is appointed to represent petitioner.

5 **IT IS FURTHER ORDERED** that the Clerk electronically serve the FPD a copy of this
6 order, together with a copy of the petition for writ of habeas corpus. (ECF No. 1-1.) The FPD has
7 30 days from the date of entry of this order to file a notice of appearance or to indicate to the court
8 its inability to represent petitioner in these proceedings.

9 **IT IS FURTHER ORDERED** that after counsel has appeared for petitioner in this case,
10 the court will issue a scheduling order, which will, among other things, set a deadline for the filing
11 of an amended petition.

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13 **DATED:** September 30, 2024



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16 RICHARD F. BOULWARE, II
17 UNITED STATES DISTRICT JUDGE
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